

IFW



PATENT
Customer No. 22,852
Attorney Docket No. 06478.1478-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Bernhard NIESWANDT)	Group Art Unit: 1644
)	
Serial No.: 10/702,039)	Examiner: M. Haddad
)	
Filed: November 6, 2000)	
)	
For: MEDICAMENT FOR THE)	
PROTECTION AGAINST)	
THROMBOTIC DISEASES)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated October 4, 2004, the Examiner required
restriction under 35 U.S.C. § 121 between:

Group I -Claims 1-6, and 9-13, drawn to a medicament for protection
against thrombotic diseases as it reads on an antibody JAQ1 and a
hybridoma and a method of producing; classified in Class 530,
subclass 388.1

Group II -Claims 7-8, drawn to a method for the determination of the
expression rate of a collagen receptor GPVI in blood of a patient
comprising incubating a sample of the blood with a solid carrier on
which antibody JAQ1 is fixed; classified in Class 435, subclass 7.1.
(emphasis in original)

Applicants provisionally elect with traverse to prosecute Group I, claims 1-6 and
9-13.

Section 803 of the M.P.E.P. states that "[i]f the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

(M.P.E.P. § 803, emphasis added.) Applicants respectfully submit that this policy should apply to this application in order to avoid unnecessary delay to Applicants and duplicative examination by the Office.

Applicants submit that it would not be an undue burden on the Office to search the art concerning Groups I and II at one time. Group II includes only 2 claims, both containing a high degree of subject matter overlap with Group I. Searching the art concerning Group II, in which antibody JAQ1 is fixed to a solid carrier, would be encompassed in the search for antibody JAQ1 generally, thus it would not add to the Office's burden to search both groups together. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 19, 2004

By: Carol P. Einaudi
Carol P. Einaudi
Reg. No. 32,220